

**DRAFT  
AD HOC INFORMATION COMMITTEE  
SCOPING REPORT  
DESCRIBING  
RESUMPTION OF THE RULEMAKING**

**The Ad Hoc Information Committee**

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# **INTRODUCTION**

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The Ad Hoc Information Committee (Committee) was established by the California Energy Commission (CEC) to review CEC data collection and confidentiality regulations, to propose changes necessary in light of current energy industry conditions, and to move CEC-approved changes through the formal review by the Office of Administrative Law (OAL).

This report proposes the scope and timeline for the balance of the Order Instituting Rulemaking (Rulemaking). This Scoping Report should be viewed as a proposed guide for implementation of the June 12, 1998 Ad Hoc Information Committee Report on Energy Market Information Proceedings (June 12 Report) which responded to issues raised by parties concerning CEC jurisdiction and intent to pursue various functions and activities that may require data. A resolution supporting the findings of fact, conclusions of law, and policy conclusions enunciated in that report was adopted by the CEC on June 24, 1998.

## ***Background***

In May 1997, the CEC adopted a Rulemaking that established the Ad Hoc Information Committee (the Committee) and charged it with review and modification of all CEC data collection regulations, including those governing procedures for handling confidential data submitted to the CEC. In June 1997, the CEC adopted an Order Instituting an Informational Proceeding (Information Proceeding) that directed Ad Hoc Information Committee to address broader questions of the functions and activities within the CEC that might be changed as a result of changed industry structure and that could provide a basis for changes in CEC data needs. This Information Proceeding was joined with the June 12 Report proceeding as a single docket. In November 1997, the CEC further enlarged the Committee's responsibilities by assigning to it the development of implementing regulations for the data collection requirements of SB 1305 (1997), which placed the CEC in the role of collecting and processing data from system operators and energy service providers (ESP) that are required to disclose generation sources of electricity sold to retail customers. The Committee adopted the Committee's proposed revisions to the confidentiality regulations on April 15, 1998. They are currently under review at OAL.

In addition to its efforts on revisions to the CEC's confidentiality regulations, the Committee sponsored three workshops solely addressing the broader issues of data needs and the necessary changes to CEC data collection regulations. An early workshop in July 1997 reviewed the overall scope of the proceeding as it was understood at that time. A subsequent workshop held on October 30, 1997 focused on energy consumption data and the analytic and market information needs that require continued collection of some energy consumption data, perhaps from utilities and ESPs. This workshop examined a staff report dated October 2, 1997 describing analytic activities that it asserted justified retention of energy consumption reporting requirements. A final workshop held in December 1997 again focused on energy consumption data and a detailed matrix of

proposed requirements developed by Staff. Lastly, a staff report dated December 1, 1997, described numerous supply-side activities requiring supply data and proposed a phased process to examine current regulations. At the request of external stakeholders, a committee workshop scheduled for December 16, 1997 was canceled and replaced by a opportunity to file written comments addressing both staff papers. A January 9 Committee Notice established a February 20, 1998 deadline for these comments. A consistent theme of oral comments by utilities and ESPs at workshops and written comments filed at the Committee's request in late February 1998, were questions of: (1) the CEC's authority of collect data from various market participants, and (2) the CEC's decisions to undertake various analytic or market information activities that require detailed energy demand or supply data. The Committee's work on the Rulemaking was effectively suspended while it deliberated these concerns. The June 12 Report responded to these issues. The Committee intends to resolve authority issues through scheduled adoption of a resolution supporting the findings and conclusions of the June 12 Report at the June 24, 1998 business meeting. The Rulemaking will now concentrate on the original scope of the Rulemaking adopted in May 1997.

The June 12 Report contains conclusions of law, findings of fact, and policy conclusions, including broad policy principles. These policy principles will guide the Committee's activities and efforts with respect to data collection under the Rulemaking. To implement these principles:

1. The Committee will establish equivalent data-submission responsibilities. for market participants performing equivalent functions or delivering equivalent services. The policy that function defines data collection will form the basis of data collection regulations for both supply-side and demand-side data in the Rulemaking.
2. The Committee will pursue data-collection methods in the Rulemaking that are not overly burdensome and embody a least-cost approach to data acquisition consistent with state policy. For demand and supply data, the Commission should rely, where possible, on one form or set of forms to streamline data collection.
3. The Committee will attempt to streamline data collection activities, where possible. The Committee's goal in the Rulemaking is to identify the most efficient, equitable and cost-effective methods for getting data we need to carry out our market monitoring and policy development responsibilities.

On the demand side this means sufficient data to assess consumer-choice opportunities and pricing influences, as well as the appropriate type and level of demand forecasting.

On the supply side this means sufficient data to characterize power plants and the electricity system (including fuel use, heat rates, and other characteristics) as well as data on ISO prices and quantities.

## ***Overall Scope and Timeline***

This Scoping Report describes the broad outlines of the scope and timeline for the resumed Rulemaking. The Committee will hold a workshop to receive comments on this report on July 9, 1998. Following that workshop, the Committee will issue a scoping order that provides guidance for the balance of the Rulemaking. In effect, the content of this report, as modified by input received at the workshop, will be converted into a Scoping Order noticing specific events that will address various elements of the regulations under consideration.

### ***Scope***

The Rulemaking will address all of the requirements included within Quarterly Fuel and Energy Reports, Title 20, California Code of Regulations, Sections 1301-1312, Biennial Forecast and Assessment of Loads and Resources, Title 20, California Code of Regulations, Sections 1340-1352. The Committee has determined that there are no pressing reasons to make substantive changes in Petroleum Information Reports (Sections 1361-1371) or the Wind Performance Reporting Systems (Sections 1381-1389), and the substantive requirements of these articles will not be addressed in this proceeding. As described below, the Committee believes it may be necessary to reorganize the totality of Chapter 5 of Division 2 of Title 20. As a result, the section numbering and organization of Articles 3 and 4 may be changed, but the substance or language of the regulations themselves will not.

The Committee intends to review exact data needs and various alternative ways in which data needed by the CEC may be acquired. These alternatives will be specific to each data category, reflecting the realities of the industry structure that now exists. A summary of the Committee's goals for each data category is provided in the following subsection.

### ***Goals***

As described above, the Committee intends to focus the Rulemaking on a limited portion of the CEC's data collection regulations. Within this scope, we intend to have replacement regulatory language approved by the CEC and the OAL for use in first quarter 1999 data submissions. As described further in this report, the Committee intends that the revised regulations encompass the data needed by the CEC for its industry monitoring and policy recommendation functions. **Table 1** summarizes specific goals for specific categories of this data and provides an illustration of an issue that must be resolved.

### ***Timeline***

The Committee intends to submit CEC-adopted regulatory language to the OAL by the end of 1998. The initial step in this process is a Committee-sponsored workshop to receive comment on this report. This workshop has been separately noticed for July 9, 1998. Once the workshop is complete, the Committee anticipates releasing a formal scoping order by July 24. This will imply substantive workshops covering all elements of the current or proposed regulations (including a review of initial language of regulations) in later August and September, with Committee-proposed regulations released in October for a final round of input from the participants. **Table 2** summarizes our current scheduling perspective. We wish to receive feedback concerning the feasibility of this schedule at the workshop and any alternatives schedules that parties wish to propose.

**Table 1**  
**Summary of Committee Goals for Regulatory Revisions**

<b>Data Category</b>	<b>Majority Goals</b>	<b>Illustrative Issues</b>
<b>1. Consumer Information</b>		
a) electricity sales	uniform submissions by all entities performing equivalent functions  more efficient submission of data	reduction of costs of ESP/UDC SIC coding of customers
b) natural gas sales	uniform submissions by all entities performing equivalent functions  more efficient submission of data	conforming gas marketer data requirements with UDC requirements
c) self-generation	more efficient submission of data	reducing burden on UDCs to make estimates for units below 10 MW
d) retail customer characteristics	acquire sufficient knowledge of retail customer characteristics to assess consumer behavior	what is the relevant consumer information and cooperative efforts with CBEE
<b>2. Generation Data</b>		
a) generation and fuel usage	uniform submissions by all entities performing equivalent functions	continually identifying facility owner/operator as UDC's divest
b) facility	acquire sufficient knowledge	reporting frequency and detail for

characteristics	of powerplant characteristics to enable accurate system modeling	these engineering features
c) renewable product verification	acquire sufficient data to verify renewable product claims	disclosure for out-of-state imports outside purview of CEC data collection authority
<b>3. Electric System Data</b>		
a) system operator data	acquire system operator data to enable accurate system modeling	resolving system operator compliance with SB 1305
b) UDC system hourly loads	acquire distribution utility load data to assess consumer behavior	can the ISO metered subsystem data be acquired in lieu of direct reporting
c) UDC customer sector hourly loads	acquire distribution utility load data to enable accurate demand forecasting	rate group, SIC categories or both?

**Table 2**  
**Proposed Schedule for RULEMAKING Activity**

<b>Event/Activity</b>	<b>Goal</b>	<b>Date</b>
1. RULEMAKING scoping workshop	receive feedback on this report	July 9
2. issue final scoping order	announce definitive goals and schedules for the balance of the RULEMAKING	July 24
3. issue identification workshops	discuss major issues for all topics and establish necessary working groups	August
4. issue initial draft regulations	parties react to a specific proposal	early Sept.
5. workshop on proposed regulatory language	final opportunity for parties to provide feedback to the Committee	mid Sept
6. issue second draft regulations	parties react to a specific proposal	early October
7. workshop on proposed regulations	final opportunity for parties to provide feedback to the Committee	mid October
8. Issue final regs and 45-day comment period on proposed regulations	final opportunity for parties to comment before CEC adoption	Nov 1, 1998
9. CEC adoption of proposed regulations	final CEC approval of revised regulations	Dec 15, 1998
10. CEC submission to OAL	CEC documentation of its decisions	Jan. 1999

11. OAL approval	OAL review of CEC procedures and final approval of regulations	Feb. 1999
12. Reporting under approved regulations	initial submission of data under new formats by regulated entities	May 1999
13. Continue working group activities as necessary	research projects and pilots intended to permit greater efficiencies to be accomplished in subsequent revisions	during 1999

# **ORGANIZATION OF CURRENT DATA COLLECTION/SUBMISSION REQUIREMENTS\_\_\_\_\_**

Currently, CEC data collection/submission requirements are organized in four articles. Each article addresses a common topic area. Some articles are also supported by Forms and Instructions that provide detailed guidance for compliance with the regulations. These articles address:

Quarterly Fuel and Energy Reporting Regulations  
Biennial Forecast and Assessment of Loads and Resources Regulations  
Petroleum Information Regulations  
Wind Performance Reporting Systems

The SB 1305 regulations will be added once OAL approves them. To facilitate the reader's understanding of the CEC's currently-approved Data Collection Regulations, we will briefly describe the current requirements for each article

## ***Quarterly Fuel and Energy Reporting Regulations***

Article 1 of Chapter 3 of Division 2 of Title 20 encompasses the QFER regulations and consist of thirteen specific sections numbered from 1301 through 1313. The majority of the substance is contained in Sections 1303, 1304, and 1313. Other sections provide procedural guidance or have been repealed in previous Rulemakings.

Section 1304 authorizes development of Forms and Instructions (F&I) to specify the format in which QFER regulations are to be satisfied. These QFER F&I were last adopted by the CEC in December 1991.

**Table 3  
Quarterly Fuel and Energy Report Sections**

<b>Section</b>	<b>Section Title</b>	<b>Summary</b>
<b>1301</b>	Article Title	authorizes use of the term QFER
<b>1302</b>	Definitions: General	repealed
<b>1303</b>	Definitions: Specific	defines 25 terms used in the QFER regulations
<b>1304</b>	Data Requirements	creates QFER forms and Instructions to guide compliance and defines specific requirements
<b>1305</b>	Information to Be Submitted	reporting procedures
<b>1306</b>	Deadline	reporting procedures
<b>1307</b>	Extension of Reporting Deadlines	reporting procedures
<b>1308</b>	Projections	defines basis for projections where these are required
<b>1309</b>	Reporting Format	encourages electronic submission or alternative formats where this would be more efficient
<b>1310</b>	Final Submission Date	reporting procedures
<b>1311</b>	Certification	reporting procedures
<b>1312</b>	Trade Secrets	repealed
<b>1313</b>	Accuracy Report	imposes requirements on accuracy of energy consumption data which must be classified by SIC code



## ***Biennial Forecast and Assessment of Loads and Resources Regulations***

The regulations governing submittals of information known as the Common Forecasting Methodology (CFM) are contained in Article 2 of Chapter 3 of Division 2 of Title 20 and consist of eleven sections numbered from 1340 through 1351.

There are CFM Forms and Instructions which are authorized by the regulations, and it is in these CFM F&I that a great deal of the specific information required of utilities has been identified. Unlike the QFER F&I, which were adopted once and have remained static, the CFM F&I were explicitly revised and adjusted as the first step of each Electricity Report (ER) cycle. The concept was to adjust the specific filing requirements to satisfy the specific information needs of likely issues. In some instances, an ER proceeding determined that additional data was needed to resolve issues, and these needs were addressed in the requirements for initial CFM filings that served as input into a subsequent ER proceeding. In effect, these regulations provide the framework for utility filings of demand forecasts and resource plans that periodic CFM F&I turn into specific filing requirements and documentation formats.

**Table 4**  
**Biennial Forecast and Assessment Regulations**

<b>Section</b>	<b>Section Title</b>	<b>Summary</b>
<b>1340</b>	Title and Purpose	establishes use of the "CFM" name to describe these regulations
<b>1341</b>	Definitions: In General	provides that definitions used in QFER regulations also apply here
<b>1342</b>	Definitions: Specific	creates "small" electric and gas utilities for use in differentiating reporting requirements
<b>1343</b>	Submission of Information	authorizes the development of forms and instructions to guide submission of information; authorizes alternative reporting formats for gas data provided to other agencies
<b>1344</b>	Data Collection and Analyses	specifies end-use customer data collection requirements (customer surveys, load metering, peak load estimates, and air conditioning load studies) and an annual planning process to ensure the CEC obtains needed information
<b>1345</b>	Demand Forecasts	specific elements required of utilities to document long term electricity and natural gas demand forecasts
<b>1346</b>	Electricity Resource Plans	repealed
<b>1347</b>	Resource Plans	specific elements required of electric utilities in documenting their resource plan that meets their demand forecast
<b>1348</b>	Pricing and Financial Information	documentation of electric or natural gas prices used in the utility's demand forecast and resource plan
<b>1349</b>	Reporting Deadline and Extensions	expected filing dates
<b>1350</b>	Exemptions	creates reporting exemptions for small electric or gas utilities qualifying under Section 1342

## ***Petroleum Information Regulations***

Article 3 addresses petroleum industry reporting requirements.

**Table 5**  
**Petroleum Information Reports Regulations**

<b>Section</b>	<b>Section Title</b>	<b>Summary</b>
<b>1361</b>	Title	establishes use of the “Petroleum Information Reports” name
<b>1362</b>	Definitions: General	establishes that terms used in these regulations are to be construed in a manner consistent with their common commercial usage
<b>1363</b>	Definitions: Specific	defines a series of specific terms that only apply to these regulations
<b>1364</b>	Reporting Periods	establishes monthly and annual reporting periods
<b>1365</b>	Information Requirements: General	establishes that reporters should submit general company information
<b>1366</b>	Requirements to File	establishes specific reporting requirements for various entities
<b>1367</b>	Form and Format of Reports	establishes that the Executive Director of the CEC may specify the format for the various reports
<b>1368</b>	Refiners and Marketers Projections	establishes a requirement for refiners and major marketers to include three-month projections
<b>1368.5</b>	Integrated Oil Refiners’ Annual Forecasts	establishes that each integrated oil refiner shall submit a forecast of crude oil and product supply and demand for each quarter of the year
<b>1368.8</b>	Financial Information	establishes that each entity required to an SEC 10-K form shall submit to the CEC certain financial data
<b>1369</b>	Duty to Preserve Data	requires reporters to preserve the data and records necessary to compile these PIR reports
<b>1370</b>	Confidential Information	specifies various provision for the handling and disclosure of records
<b>1371</b>	Failure to Provide Information	refers to CEC authority to take legal courses of action to secure the information required in this article

## ***Wind Performance Reporting Systems***

Article 4 addresses a specialized wind energy performance reporting system developed in cooperation with the wind generation industry. Although the general QFER regulations also address wind energy production, this wind performance reporting system provides a more detailed picture of wind energy production that was perceived to be important to the credibility of the industry.

**Table 6**  
**Wind Performance Systems Reporting Regulations**

<b>Section</b>	<b>Section Title</b>	<b>Summary</b>
<b>1381</b>	Title and Purpose	establishes use of “Wind Performance Systems Reports” as a name to describe these regulations
<b>1382</b>	Definitions	establishes definitions as required to comply with the requirements of these regulations
<b>1383</b>	Reporting Period	establishes quarterly reporting
<b>1384</b>	Requirements to File	establishes authority for specific forms and instructions to guide uniform reporting
<b>1385</b>	Information Requirements: Wind Project Operators	basic information each project operator must provide about capacity, energy production, and cost
<b>1386</b>	Information Requirements: Wind Project Purchaser	basic information a purchaser is required to provide about each project
<b>1387</b>	Publication of Data	defines publication of the data
<b>1388</b>	Failure to Provide Information	notifies projects of statutory authority
<b>1389</b>	Exemptions	exempts small projects

# ***SUBSTANTIVE DESCRIPTION OF REGULATORY REQUIREMENTS REVIEW***

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The Committee has determined that two of the four categories of data collection regulations will not be revised within this Rulemaking. No party has suggested that Article 3 (Petroleum Information Regulations) or Article 4 (Wind Performance Reporting Systems) be revised. Instead, parties have focused on Article 1 (Quarterly Fuel and Energy Reports) and Article 2 (Biennial Forecasts and Assessments of Loads and Resources). The Committee intends to examine the substantive requirements of these two articles in three groups: (1) QFER of historic energy consumption and energy supply, (2) the CFM documents filed in each Electricity Report proceeding, and (3) Utility Data Plans required in Section 1344.

## ***Highlight of Major Issues***

The June 12 Report responded to the issues of CEC authority to collect data from energy service providers, independent generators, and other new market participants. It also clarified the CEC's intent to monitor energy industries to detect trends and emerging challenges, conduct analyses, undertake policy assessments, and offer policy recommendations to the legislature and Governor's Office. The CEC does have the authority and we do intend to investigate data needs, possible sources of data and collection methods from a wide range of market participants. What is now before us is to determine precisely what should be collected from whom and how. As described further in this report, the Committee intends to examine various alternatives.

## ***Principles from the June 12, 1998 Committee Report***

The June 12 Report identified a series of principles that the Committee will use as guidance in the resumption of the Rulemaking elements of this proceeding. (These were summarized on p. 2). The Committee is persuaded that entities undertaking the same function in the market should provide the same data to the CEC irrespective of their ownership or other regulatory oversight attributes. This is the essence of the "level playing field." The Committee will examine extending reporting requirements for energy service providers and independent electricity generators as one option among several to implement this principle. The Committee also believes that it is appropriate that entities provide data that is logically connected to their responsibilities in the marketplace. Where these responsibilities have shrunk as a result of restructuring legislation or other regulatory agency decisions, then the Committee will ascertain to whether they are still appropriate.

The Committee believes it is appropriate to examine alternative means of collecting the data that we need. We suggest that least-cost means should be used wherever they are feasible and practical. It may be possible to reduce the direct reporting requirements on entities where suitable alternatives can be developed.

In conclusion, we anticipate addressing four broad issues in light of the conclusions of law and policy principles described in our June 12 Report:

1. What level of detailed information is needed to permit the CEC to understand consumer demand to model the electricity system for the types of issues that we anticipate analyzing?
2. Where and under what conditions should existing requirements on utilities be reduced in light of their revised role within California's energy markets?
3. To what extent should new entities enabled by electricity restructuring legislation to operate within California's energy markets be required to provide data comparable to other entities in the market?
4. Where are alternative data collection means feasible and practically available to also reduce the burden of direct reporting by existing utilities or new independent generators and ESPs?

We hope to use the principles from our June 12 Report as guidance in answering these questions.

## ***Evaluation Criteria***

Before we turn to the specifics of what we wish to review in the coming months, we want to highlight our current thinking on how we might make decisions about how to acquire the data we believe are required to support the functions and their subsidiary activities described in our June 12, 1998 report. Where there are clear alternatives before us, we want to announce the Committee's evaluation criteria so that parties can properly provide the information we need to make our decisions, and advocate persuasively.

We propose to use the following criteria in selecting among alternatives:

Total cost (includes compliance by the regulated entity, end-use provider costs, and processing costs by the CEC)

Level of precision of the data obtained;

Feasibility (need for legislation, approval of other agencies, major CEC budget changes);

Practicality (timeliness, complexity of coordination among entities).

Usefulness.

To the extent parties wish to propose other criteria we solicit feedback on this subject at our July 9, 1998 workshop.

## ***Anticipated Issues in Review of QFER***

The majority of the input received by the Committee to date has concentrated on the QFER regulations, especially the energy consumption subset of these regulations. We intend to thoroughly review all of the QFER regulations as well as the compliance guidelines known as the QFER Forms and Instructions. While the Committee is persuaded that energy consumption and production data are needed, we intend to explore how precise this data should be and alternative means of obtaining it.

### ***Electricity Consumption***

The most important electricity consumption requirements are contained within Section 1304. Section 1304 (a) authorizes development of reporting formats and necessary instructions. Section 1304 (b) identifies data elements that must be reported by various entities.

#### **Summary of Current Requirements**

**Table 7**  
**Summary of Current Electric Consumption Reporting Requirements**

<b>Entity</b>	<b>Reporting Variables</b>	<b>Sub-Categories</b>	<b>Reporting Frequency</b>	<b>QFER Form #</b>
electric utility	monthly electric sales monthly # of accounts monthly revenues	by SIC codes	quarterly	4
electric utility	annual electric sales	by SIC by county	annually	5
electric utility	name address SIC classification	every generator greater than 10 MW capacity	annually	15
electricity self-generator greater than 10 MW	monthly generation	by SIC codes	quarterly	11
electric utility	estimates of total self-generation for facilities smaller than 10 MW	by SIC codes	annually	13
electric utility	projected electricity sales for the next twelve month period	None	quarterly	4A

## **Framework for Regulatory Review**

The Committee intends to review the specifics of the current energy consumption data requirements now imposed on utilities. We will then consider our data needs and alternative means of gathering it including collecting from ESPs. ESPs have previously expressed three areas of concern: (1) the philosophical issue of being regulated by the CEC, (2) the costs of compliance with CEC regulations, and (3) the confidentiality of data that ESPs would provide to the CEC.

In the June 12 Report we have articulated the principle that ESPs and UDCs should provide comparable data about their retail customers to the CEC. We do not believe that our imposition of data collection requirements on ESPs necessarily exposes ESPs to any other form of “utility” regulation. We are not aware that any other agencies rely upon the CEC’s designation of an entity as a “utility” as a determining factor for compliance with their own requirements.<sup>1</sup>

ESPs have expressed concerns about the costs of compliance with CEC data collection regulations. There are several dimensions to these costs:

The adaptation of customer information systems to hold any new variables that the CEC’s regulations require.

Collecting and maintaining the unique variables of interest to the CEC alone.

Creating “accounting extract” software that produces the data or aggregates of the data for delivery to the CEC.

Operating this software and packaging the data for delivery.

Interactions with CEC staff in response to inquiries about the data, failure to provide the data, and confidentiality protections for the data (if applicable).

The Committee intends to be sensitive to costs, but since no specific proposals have yet been put forward, ESPs have not yet been able to substantiate, with specificity, their general concerns about the cost of compliance. When specific proposals are put forward, we invite parties to discuss the costs issue and to substantiate their assertions for Committee consideration.

In previous workshops, Staff has asserted that the majority of costs of compliance are not reflected in the extraction of data from accounting or customer information systems, but rather in the customer-specific effort to classify retail customers by their economic

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<sup>1</sup> The Board of Equalization has determined that all ESPs will report energy consumption data to it pursuant to its specific statutory requirements for electricity industry reporting in connection with the surcharge which funds the Energy Resources Program Account.

activity. Staff has initiated discussions with the Economic Development Department (EDD) which conducts data collection and reporting of employment by SIC codes.<sup>2</sup> Unlike the current CEC requirements for utilities (and perhaps extended to ESPs in the future), EDD classifies businesses itself, rather than relying upon others to perform this effort. We are interested in whether some synergies between the utility classification of customers and the EDD classification of these same entities can reduce overall costs of economic activity classification. We understand Staff will be pursuing arrangements with EDD that will permit the Committee to examine this topic.

At the October 1997 workshop, ESPs expressed concerns that data they provide should be made confidential. We have since adopted revisions to our confidentiality regulations which we believe satisfy these concerns. If ESPs remain concerned about the potential harm resulting from the release of aggregated data pursuant to these revised regulations, the Committee wants parties to provide a detailed assessment of the concern.

### **Proposed Evaluation of Alternatives**

The Committee intends to review alternatives to the current electricity consumption regulations (e.g. Section 1304 (b)(4)) in response to parties comments. We encourage parties to make alternative suggestions at the forthcoming workshop. We will, at a minimum, review at least the following options.

- a) Current reporting requirements imposed equally on UDCs and ESPs;
- b) Reporting of current QFER data elements imposed equally on UDCs and ESPs, but using more efficient electronic communication of the data that might eliminate several of the separate Forms now mandated in the QFER F&I. This alternative would utilize simple and secure means to transfer information on electricity sales, revenues, and number of accounts;
- c) Same as b), but elimination of the customer classification burdens of compliance by use of the EDD classification of individual customers by economic activity codes. This alternative would require the CEC, with support from EDD, to develop a unique SIC (and later NAICS) economic activity assignment for all end use customers, and to electronically communicate this information to UDCs and ESPs for use in reporting energy consumption data back to the CEC;
- d) Evaluate need to evaluate of some current mandates, coupled with independent Commission collection of any consumption data the CEC requires through standalone surveys of end use customers;

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<sup>2</sup> A meeting of Staff, EDD, and utilities reviewed the similarities and differences between the EDD system of classifying labor participation of entities by SIC code versus CEC's system of requiring utilities to classify energy consumption of entities by SIC. A pilot project that would test the ability to compare EDD's classification of the entity with the utility's classification of the entity was outlined, but has not yet been initiated.



- e) Evaluate the need to eliminate the current mandates entirely, coupled with independent Commission collection of all consumption data through standalone surveys of end use customers.

The Committee is interested in detailed comments on these alternatives, because our forthcoming order will direct workshop activity over the next several months that examines technical issues that would provide the information we need to make a decision.

## ***Natural Gas Consumption***

All natural gas consumption data requirements are contained within Section 1304. Section 1304 (a) authorizes development of reporting formats and necessary instructions. Section 1304 (b) identifies data elements that must be reported by various entities. While the natural gas consumption reporting requirements parallel those for electricity, they are not identical.

One key difference is that the current regulatory requirement (e.g. Section 1304 (b)(10) ) that natural gas marketers provide natural gas sales data SIC classification and county is limited to those gas marketers selling through a non-utility pipeline, by permitting gas marketers selling through a utility distribution pipeline to report via the utility. It is necessary to merge these gas marketer data with those received from the utilities to develop a picture of overall natural gas consumption. These requirements were created in the 1990 round of QFER regulation change to address the new opportunities that natural gas marketers were given to sell to end-use customers. In effect, the CEC's natural gas consumption reporting requirements have partially changed to resolve the issue of whether private entities should be required to report to the CEC.

### **Summary of Current Requirements**

**Table 8**  
**Summary of Current Natural Gas Consumption Reporting Requirements**

<b>Entity</b>	<b>Reporting Variables</b>	<b>Sub-Categories</b>	<b>Reporting Frequency</b>	<b>QFER Form #</b>
natural gas utility	monthly gas sales monthly # of accounts	by SIC codes	quarterly	4
natural gas	projected gas sales for the		quarterly	4A

Entity	Reporting Variables	Sub-Categories	Reporting Frequency	QFER Form #
utility	next 12 month period			
natural gas utility	annual gas sales	by SIC by county	annually	5
natural gas utility	annual gas sales annual # of accounts annual revenue	by rate schedule by SIC code	annually	7
electricity self-generator greater than 10 MW	monthly fuel used	SIC	annually	12
gas marketer	monthly gas deliveries monthly # of accounts	by SIC codes	quarterly	no active form
gas marketer	annual gas deliveries	by SIC and county	annually	10A
gas marketer	projected gas sales for the next 12 month period		quarterly	no active form
gas utility	estimated fuel consumption of non-utility generation	by SIC codes	annually	14

## Framework for Regulatory Review

The Committee intends to review the specifics of the current energy consumption data requirements now imposed on utilities and gas marketers. As Table 8 reveals, in comparison to Table 7, natural gas consumption gas marketers (a rough analogue to electric ESPs) are already required by regulation to provide consumption data to the CEC, while extension of requirements now limited to electric utilities for new ESPs has been a major policy debate. However, the current QFER Forms and Instructions permit the gas marketer to provide this data via the distribution utility, when there is one. Only those gas marketers selling through a private pipeline must now report consumption data by economic activity classification to the CEC directly. Now that our June 12 Report has articulated a principle of having equivalent requirements based on function as a result of the debate about reporting by electric providers, we will also have to determine the specifics of those requirements for natural gas sales. In most instances, we understand the issues of natural gas consumption reporting requirements to closely parallel those for electricity.

## Proposed Evaluation of Alternatives

Paralleling our proposed electricity evaluation, we intend to review the following options:

- a) Increase requirements on gas marketers so that they parallel those now required of natural gas utilities;
- b) Maintain current requirements imposed UDCs and gas marketers;
- c) Reporting of current QFER data elements imposed equally on UDCs and gas marketers, but using more efficient electronic communication of the data that might eliminate several of the separate Forms now mandated in the QFER F&I. This alternative would utilize simple and secure means to transfer information on electricity sales, revenues, and number of accounts;
- d) Same as c), but elimination of the customer classification burdens of compliance by use of the EDD classification of individual customers by economic activity codes. This alternative would require the CEC, with support from EDD, to develop a unique SIC (and later NAICS) economic activity assignment for all end use customers, and to electronically communicate this information to UDCs and gas marketers for use in reporting energy consumption data back to the CEC;
- e) Evaluate need to eliminate the specific current mandates, coupled with independent Commission collection of any consumption data in this area through standalone surveys of end use customers;
- f) Evaluate the need to eliminate current mandates entirely, coupled with independent Commission collection of all consumption data through standalone surveys of end use customers.

## ***Generator Production and Fuel Consumption***

Section 1304 (b) (1), (2), and (3) specify the requirements for reporting monthly capacity, production of electricity, and fuel use for generation and/or imports by utilities. Section 1304 (b)(11) specifies reporting requirements for non-utility electricity generators.

### **Summary of Current Requirements**

Historically, generator production and fuel consumption was collected primarily through the QFER process, as supplemented by the Utility Monthly Fuel and Operations Report (UMFOR) and Federal Energy Regulatory Commission (FERC) Form 1. With the passage of SB 1305 in October 1997, a new opportunity to collect some generator data was added which may, in time, replace part of the need for QFER data collection from in-state generation. The Committee has proposed SB 1305 regulations to the CEC for adoption and submission to OAL for approval.<sup>3</sup>

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<sup>3</sup> The Committee's activity to develop SB 1305 regulations are documented on the CEC's website. These can be accessed via <http://www.energy.gov/SB1305>.

**Table 9**  
**QFER Current Supply-side Reporting Requirements**

<b>Entity</b>	<b>Reporting Variables</b>	<b>Sub-Categories</b>	<b>Reporting Frequency</b>	<b>QFER Form #</b>
Electric Utility	monthly generation	by fuel/technology type	Quarterly	1
Electric Utility	monthly capacity	by fuel/technology type	Quarterly	1
Electric Utility	monthly inter-utility transactions	by region by entity type	Quarterly	2
Electric Utility	monthly purchases from non-utilities	by fuel/technology type	Quarterly	2A
Electric Utility	monthly fuel use	by fuel type	Quarterly	3
Electric Utility	monthly fuel supply	by fuel type	Quarterly	3
non-utility generators	monthly generation	by facility	Annually	11
non-utility generators	capacity in operation at time of system peak	by facility	Annually	11
non-utility generators	monthly fuel use	by facility	Annually	12

### **Framework for Regulatory Review**

The Committee intends to review which generation-related data are necessary and useful for modeling the electricity system and assessing the issues we believe are important to policy makers. At this time we have different reporting requirements for generation facilities depending upon their ownership by utilities, private entities selling power, private entities producing power for their own use onsite, and facility capacity. The Committee intends to review the existing QFER electric generation reporting requirements to determine to what extent and how they can be revised to apply equally to all generators regardless of ownership or regulatory status. As a result of the incentives provided by the restructuring process, the three major investor-owned utilities are making rapid progress to divest themselves of various generating facilities. We presume that in the majority of cases the new owners of these facilities intend to continue to use them to produce electricity for sale in the various power exchanges or direct access bilateral contract markets. We need to ensure that our regulations properly provide generation data to us.

As noted in the Background section of this report, the Committee has been overseeing the development of regulations that implement the requirements of SB 1305 (Sher, 1997). However, we are finding that system operators will, in many cases, be getting aggregated data from scheduling coordinators which is not adequate for implementing SB 1305.

System operators are not directly metering all generation in their control areas. For example, most Qualifying Facilities and other generation below 25 MW are not directly metered by the system operators, but by their respective scheduling coordinators. No system operator appears to have chosen to collect the fuel use information required. Therefore, it now appears that QFER filings are essential to provide a substantial amount of the data to implement SB 1305, let alone other needs beyond SB 1305. To the extent that classes of generators report historic generation to system operators, which, in turn, make that information available to the Energy Commission under SB 1305, then that class could be exempted from reporting that specific variable under QFER (it may still be necessary to have generators report variables that the ISO does not obtain, e.g. fuel use).

Generators which are supplying power for specific purchases or for credits through the CEC's renewable customer credit program may file adequate information through the specific reporting requirements established by the CEC to operate these programs. The CEC intends to create a linked database for all generation data which it receives, so that data which is submitted for one program can be automatically fed to all other programs. This is a major undertaking, as there are over 1,500 generating stations in California alone.

In addition, certain data supplied by utilities about the total generation acquired to serve load (utility owned, California purchases, and imports) may no longer be appropriate in light of the new market structure. Currently the three UDCs participating in the PX do so by explicit direction of the CPUC, but the CPUC has conditioned its requirements to the transition period.

### **Changes the Committee Intends to Examine**

Unlike the QFER consumption data situation, where we intend to examine alternatives, for QFER supply data we intend to examine a variety of changes which are not mutually exclusive. These include:

- a) consider options for collecting supply information from out-of-state generators;
- b) explore with the Energy Information Administration consolidated reporting for California generation, and explore methods to increase the quality of data submittals;
- c) explore cost-sharing mechanisms with new market players, such as the Independent System Operator, power exchanges and scheduling coordinators to determine whether there are methods by which we could acquire efficiently non market-sensitive information. For example, vintaged information might be purchased, protected as a trade secret, and released only in aggregated form;
- d) work with other western states or regional organizations such as the Western Systems Coordinating Council or emerging Independent System Operators to

determine whether there are more efficient means of obtaining characterizations of out-of-state generation.

We are open to other changes which meet our general goal of ensuring appropriate data from generators to adequately model the system for the trend identification, price projections, environmental impact reviews, and market assessments we will be reporting to policy makers.

## ***Natural Gas Transportation and Supply***

The natural gas supply and price forecast uses historical throughput data for each of the pipelines delivering natural gas to California or intrastate producers/transporters within the state.

### **Summary of Current Requirements**

Specific California historical natural gas supply delivered by pipelines to utilities are compiled from QFER Form 6A and the *California Gas Report*. This information is supplemented by QFER Form 10A, which provides interstate pipeline supply and California production, that is delivered directly to end-users (approximately 20 percent of total natural gas consumption).

**Table 10**  
**Summary of Current Natural Gas Transportation and Supply Requirements**

<b>Entity</b>	<b>Reporting Variables</b>	<b>Sub-Categories</b>	<b>Reporting Frequency</b>	<b>QFER Form #</b>
gas utilities	supply amounts supply price	by source and disposition	quarterly and annually*	6A
gas processor	month start stocks monthly receipts monthly inputs monthly production monthly shipments monthly plant use and losses month end stocks	by natural gas liquids	quarterly	9
gas producer	annual deliveries	by broad categories of recipient and by county	annually	10A
gas producer	projected gas deliveries for the next twelve month period		annually	no current form

\* Form 6A only requires price to be reported on an annual basis, while supplies are reported quarterly.

### **Framework for Regulatory Review**

At this time the Committee anticipates little revision to these regulations. Since powerplants owned by electric utilities are clearly becoming fewer in number as a result of IOU divestiture, and other ownership patterns are emerging for generation, it is possible that some change in the list of recipients for gas deliveries might be appropriate. Since the California Public Utilities Commission (CPUC) has an open gas restructuring RULEMAKING, it is also possible that some changes may be necessary once that proceeding has been completed. In the longer run, the CEC should explore consolidated data collection with the federal Energy Information Administration (EIA) whereby the CEC collects data for both its own needs and those of EIA, especially EIA Form 176.

### **Timing**

At this time, the Committee anticipates that electricity and natural gas consumption issues will be examined as a single module, and both electric generation and natural gas supply as a second module. Given our overall time schedule for the balance of this proceeding, we see no alternative other than paralleling these efforts during August through October. We wish for parties to advise us whether handling these two major elements in parallel is workable. Where single persons must be involved in both aspects of this regulatory review, perhaps we can reduce travel and other costs by scheduling back to back workshops.

### **Anticipated Issues in Review of CFM**

Like the QFER regulations, the specific requirements for the biennial forecast and assessment of loads and resources are specified in the CFM Forms and Instructions rather than the CFM regulations themselves. Unlike the QFER regulations, the CFM Forms and Instructions (F&I) were revised and adopted by the Commission each ER cycle to be sure that the specific data anticipated to be necessary for resolution of the issues of the day were provided by the parties. As we have noted in our June 12 Report, the Energy Commission is considering a revision of its policy report process to reduce or possibly eliminate the utility submissions prescribed by the CFM F&I.

### **Summary of Current Requirements**

The CFM process was conducted every two years as an input into the Electricity Report proceeding. The CFM filings by utilities could be considered the data input phase of an ER proceeding. These filings were specified by the CFM Forms and Instructions that were adopted by the CEC each ER cycle, and resulted in utility filings covering long run demand forecasts, electric generation resource plans, and demand-side management (DSM) programs. In the more recent CFM filings, there were separate F&I (and subsequent filings) for each of these three topics.

On the demand-side, the CFM process collected long run electric demand forecasts of annual energy and peak load and a great deal of supporting documentation to enable an in-depth understanding of the results. As the Electricity Report process evolved, the Commission's own staff provided an independent demand forecast<sup>4</sup> which was documented according to the requirements of Demand F&I, just as though the Staff were a utility participant. The issues which were adjudicated between Staff and utilities fostered development of complex demand forecasting models with substantial data requirements.

On the supply-side, the CFM process collected two quite different sets of data. Although originally focused on collecting comprehensive future resource plans, over time the emphasis shifted to collecting analytic 'building blocks'; i.e., characterizations of power generation and transmission which could be used to study alternative resource plans and policies. These data permitted the CEC to develop its own preferred resource addition policies.

The DSM program information submitted by utilities in some recent ER proceedings served as valuable inputs for the Commission's own development of preferred levels and types of DSM program activities.

### **General Intent**

The Committee intends to review the CFM regulations as well as the CFM F&I during the balance of this Rulemaking. As stated in our June 12 Report, we want to assure that sufficient data is available for the Commission to carry out its monitoring and policy development responsibilities. The Committee believes we should pursue sufficient data to adequately model the electricity system. We will examine what data may be necessary to maintain an ability to simulate the western regional electricity market, in order to function as the State's energy policy agency and energy analysis unit.

We need to explore the degree to which specific elements of the utility submittals pursuant to the CFM F&I are needed in the future. To the extent there are such data elements within the overall CFM F&I, then we anticipate converting the language now in the CFM F&I to the text of new regulations located somewhere within the CEC's Data Collection Regulations. This may occur in any of the three broad elements of the CFM F&I from recent ER cycles -- Demand Forms, Supply Forms, DSM Forms.

Given the change in responsibilities of UDCs to acquire resources to serve load, we no longer believe it is valid to impose data reporting requirements that are predicated on the kind of long run demand forecast issues that were once contested. Because these demand forecast data requirements induced the collection of detailed customer characteristics and end-use load research data, which is still important to the CEC's own independent efforts to forecast demand and assess trends in electricity consumption, we will have to carefully

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<sup>4</sup> While the Staff's demand forecast was an independent projection, it did rely upon the survey, load research, and other customer characterization data provided to the CEC as a result of the Utility Data Plan process.



consider what portions of the CFM regulations can be eliminated. (The requirements for demand-side customer characterization data are discussed in Section III.d of this report.)

Similarly, while the emphasis on resource plans is likely to end, the need for powerplant physical, operational and financial characterizations will not. Clearly these data are of greater sensitivity in a competitive generation market. Since successful bidding into the power exchanges or marketing in the bilateral contract market may revolve around very slight differences in production costs and profit margins, many supply-side details will be considered trade secrets by facility owners. We anticipate that parties will request coordinated data collection with other state and federal agencies, confidential treatment for trade secrets, an approach which minimizes the cost of compliance, and a vigorous exploration of non-intrusive data collection techniques.

Lastly, it is unclear what portions of the extensive DSM requirements filed in the ER 94 cycle continue to be relevant for the future. The shift of DSM from ratepayer tariffs revenues to energy efficiency surcharge funds, the creation of CBEE as an advisory board to the CPUC, the continuation of utilities as interim program administrators using energy efficiency surcharge funds, and the current CBEE efforts to acquire permanent program administrators make it very difficult to determine whether utilities retain sufficient DSM responsibilities that the CEC should impose DSM reporting requirements.

Further complicating this matter is the fact that virtually all publicly-owned utilities have not restructured themselves into the model implemented through AB 1890. Most of these utilities still have obligations to serve and must undertake some form of resource acquisition in which captive ratepayers may be exposed to long term financial obligations. It is unclear whether these publicly-owned utilities will restructure themselves into a model similar to that for the former IOUs.

## **Alternatives**

Due to the mixed situation with respect to electric industry restructuring, there are several options the Committee intends to explore:

- a) elimination of the forecasting and projection elements of the CFM F&I for investor-owned utilities and publicly-owned utilities that have undertaken comparable changes in responsibilities, coupled with conversion of all structural characteristics data on CFM Forms into explicit regulatory requirements;
- b) elimination of the forecasting and projection elements of the CFM F&I for all utilities, coupled with conversion of all structural characteristics data on CFM Forms into explicit regulatory requirements;
- c) elimination of the forecasting and projection elements of the CFM F&I for all utilities, coupled with conversion of limited portions of structural characteristics into explicit regulatory requirements.

The Committee is open to other alternatives that satisfy the requirement that the CEC have sufficient data to characterize the electricity system for modeling and analysis.

### **Timing**

At this time, the Committee perceives the review of the CFM regulations and their implementing CFM F&I as largely resulting in the elimination of these requirements, with a few elements transferred to new regulatory language. We hope that this conclusion can be reached quickly. Therefore, we propose to schedule this effort for September 1998. We would like for CEC Staff to submit a report reviewing CFM regulations and CFM F&I by late August and intend to schedule a workshop to review this report in early September. Unless the results of this forthcoming workshop are more controversial than we anticipate, we hope to issue proposed Committee regulations by the end of September.

### ***Anticipated Issues in Review of Utility Data Plans***

While the Utility Data Plan regulation - Section 1344 - is nominally part of the CFM grouping in Article 2, we intend to examine this regulation in a separate phase of the RULEMAKING because of the linkage between the data provided pursuant to it and the evolution of the acquisition of data for market transformation assessments under the CPUC/CBEE process.

### **Summary of Current Requirements**

Section 1344 consists of specific requirements that utilities undertake as prescribed in the regulation or submission of an alternative package that is judged to be equivalent. Table 11 summarizes the regulation.

**Table 11**  
**Summary of Current Data Plan Requirements**

<b>Element</b>	<b>Requirement</b>	<b>Frequency</b>
Data Plan	description of specific survey and load research projects that the utility proposes to undertake in the next three years	annual
Surveys	residential customer surveys	biennial
	commercial customer surveys	biennial
	light industry customer surveys	quadrennial
Load Metering	hourly system load	annual
	peak load estimate by customer sector	annual
	daily load profiles by customer sector for typical days	annual

<b>Element</b>	<b>Requirement</b>	<b>Frequency</b>
	air conditioning load profiles for residential and commercial for summer typical days	annual
Analyses Reports	residential survey design and end-use consumption reports	for each survey
	commercial building sector survey design and floorspace/saturation reports	for each survey
	light industry survey design report	for each survey

### **General Intent**

The revision of Section 1344 as recently as 1991 indicates our need to ensure that detailed data about end-use customers was provided to the CEC. In effect, the results of the surveys and load research projects and other analytic efforts undertaken by utilities, sometimes in cooperation with CEC Staff, were needed to understand why the consumption reported via the QFER regulations took place. Our review of our functions and activities persuades us that comparable information will continue to be needed. We have expressed this in our June 12 Report implicitly by expressing as a principle the need to have sufficient data to be able to model the electricity system, both supply and demand, adequately for our analytic purposes. In particular, our desire to assess electricity price impacts and the complex set of choices now available to consumers makes improved understanding of consumer behavior more important than it was in the past.

Through the annual Utility Data Plan process, we have considerable knowledge of the costs of conducting the surveys, load research projects, and other analytic efforts for the major utilities. It is clear that the funds required to merely shift all of the UDCs efforts to the CEC are not available. Therefore, while the CEC might be conceptually amenable to reducing requirements for some utilities (e.g., the UDCs whose roles have drastically changed as result of AB 1890 and various CPUC decisions), as practical matter we need to find a source of additional funds to support some survey and load research activity.

The public goods surcharge funds for energy efficiency programs/market transformation activities is one source of these funds. In fact, the process under which the CPUC shifted the existing programmatic activities of the three UDCs to public surcharge funds in 1998 has explicitly acknowledged the need for surcharge funds to support some data collection activities, specifically market monitoring and energy efficiency planning. What has not yet occurred is clarification of which portions of the obligations our data collection regulations placed on utilities simultaneously meet the needs of CBEE. Once this is determined, then the CEC and the CPUC/CBEE must create the arrangements where projects once undertaken under our UDC data collection obligations can be supported by energy efficiency surcharge funds under the control of CPUC/CBEE. It will be the CEC's responsibility to maintain some data collection obligations on the UDCs in light of their distribution utility or default provider service obligations, and to persuade the CPUC to

allocate funds for these obligations through the GRC or other ratemaking processes. Finally, there may be some kinds of data collection that are not appropriate to either the UDCs or the CPUC/CBEE funds, and for such data the CEC must provide its own funds.

The willingness of the CPUC/CBEE to fund some of the survey and end-use load research data currently provided by utilities will materially influence our willingness to reduce or eliminate the requirements now contained within Section 1344. In addition, since some municipal utilities are not participating in the surcharge-funded market transformation process for energy efficiency, then perhaps it is appropriate that these utilities continue to be required to provide the level and scope of data included within annual Utility Data Plans.

### **Timing**

Some of the ambiguities of the CPUC/CBEE process of administering the surcharge funds have been resolved, and CPUC/CBEE efforts to complete the initial setup of non-utility administrators is back in action. Discussions with CPUC/CBEE to resolve this outstanding issue are now timely; given this fortuitous timing we will parallel our examination of alternatives to the current Section 1344 with our other efforts during the July through September period.

## **ORGANIZATION OF REVISED CHAPTER 3 - DATA COLLECTION REGULATIONS**

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The organization of our current data collection requirements within four broad articles made sense when there was a biennial process for examining loads and resources, and utilities were obligated by PRC Section 25300-25308.5 to provide a series of detailed forecasts and assessments each electricity report cycle. Since we anticipate major revisions to the portions of the Warren-Alquist Act mandating the ER process, and the utilities no longer have the obligation to serve responsibilities that justify long term planning and regulatory oversight by the Commission, we believe it is appropriate to consider a substantial rearrangement of the final regulations we will propose.

In the initial stages of the resumption of the Rulemaking, we will continue to use the existing groupings of regulations as the basis for modules or phases within the proceeding; however, as a final step prior to submission of revised regulations to OAL, we will reorganize the substantive proposals into another grouping. At this time we are considering the following five categories:

### **A. CONSUMER INFORMATION**

- (1) retail electric sales (revised QFER)
- (2) self-generated electric consumption (revised QFER)
- (3) retail natural gas sales (revised QFER)
- (4) self-produced natural gas consumption (unchanged QFER)
- (5) retail consumption customer characteristics (revised CFM)

### **B. ELECTRIC GENERATOR DATA**

- (1) generator production and fuel consumption (revised QFER)
- (2) generator performance characteristics (revised CFM)
- (3) wind performance reporting systems (no change)
- (4) verification of renewable product requirement (unchanged SB 1305)

### **C. ELECTRIC SYSTEM DATA**

- (1) ISO system data (unchanged SB 1305 ISO requirements)
- (2) hourly system load (revised CFM)
- (3) hourly customer sector loads (revised Data Plan)

### **D. NATURAL GAS SUPPLY DATA (UNCHANGED QFER)**

### **E. PETROLEUM INFORMATION (UNCHANGED PIR)**

## **CONCLUSIONS**

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The previous efforts in this proceeding have concentrated on the OIIP elements of our joined docket. Parties have raised numerous issues of a general nature that ought to be settled before investing efforts in discussions of details. These efforts have raised issues of legal authority and CEC intent that have been valuable in stimulating clarifications within the CEC. The Committee hopes that our June 12 Report puts these primary issues behind us. We have scheduled adoption of the conclusions of law, findings of fact, and policy conclusions to ensure that full CEC support exists for our positions. In large measure, we see the Information Proceeding phase of this proceeding as closed.

The Committee foresees an extremely intensive Rulemaking process for the next six months. Accomplishing this process will require substantial efforts from all parties. We want to develop an overall schedule that is realistic and that can be delivered on time once we commit to a schedule. We have attempted to be very specific in this Scoping Report to provide a firm basis for external stakeholders to participate in a workshop setting to fine tune these plans.

We urge parties and other external stakeholders to now actively and vigorously participate in a Rulemaking proceeding. As a first step, we would like to see proposals and alternative proposals where parties do not like the schedule or the specific focus on issues that we have proposed. We intend to consider serious alternatives.